

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ISAIAH HICKS,)	
Petitioner,)	C.A. No. 21-82 Erie
)	
v.)	District Judge Susan Paradise Baxter
)	Magistrate Judge Richard A. Lanzillo
BRADLEY TRATE,)	
Respondent.)	

MEMORANDUM ORDER

This action for habeas corpus relief pursuant to 28 U.S.C. § 2241 was originally filed in the United States District Court for the Northern District of Illinois on June 15, 2020, and was subsequently transferred to this Court on or about February 23, 2021. [ECF No. 7]. Petitioner’s habeas petition was ultimately filed with this Court on April 7, 2021 [ECF No. 10], and was referred to United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

In his petition, Petitioner claims that he is actually innocent of his firearm charge under 18 U.S.C. § 924(c) based on the United States Supreme Court’s decision in Rehaif v. United States, ___ U.S. ___, 139 S. Ct. 2191 (2019). In Rehaif, the Supreme Court held that, to convict a defendant under 18 U.S.C. § 924(g), the Government “must show that the defendant knew he possessed a firearm and also knew that he had the relevant status (i.e., a felon) when he possessed it.” 139 S. Ct. 2194.

On November 18, 2022, Magistrate Judge Lanzillo issued a Report and Recommendation (“R&R”) recommending that the petition be denied, with prejudice [ECF No. 24]. In particular,

Judge Lanzillo agreed with other court decisions that have found that Rehaif's holding is inapplicable to convictions under § 924(c). Petitioner has not filed any Objections to the R&R.

Thus, after *de novo* review of the petition and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 13th day of January, 2023,

IT IS HEREBY ORDERED that the within petition for a writ of habeas corpus is DISMISSED, with prejudice, and the report and recommendation of Magistrate Judge Lanzillo, issued on November 18, 2022 [ECF No. 24], is adopted as the opinion of this Court. As there are no further matters pending before the Court relative to the instant petition, the Clerk is directed to mark this case "CLOSED."

A handwritten signature in black ink, reading "Susan Paradise Baxter". The signature is fluid and cursive, with the first name "Susan" being the most prominent.

SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
United States Magistrate Judge

All parties of record